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PATENT



UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-1323-H)

In the Application of:

Hillman

Serial No.: 10/013,036

Filed: October 30, 2001

For: Antimicrobial Polypeptide, Nucleic
Acid, And Methods Of Use

Art Unit: 1647

Examiner: To be assigned

#3
44.7
5/1/02

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

In the judgment of the undersigned, portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is indented as to the relative

importance of any portion of the references. This Statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103.

CITED REFERENCES

U.S. Patent Documents

<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>	<u>Filing Date If appropriate</u>
5,352,450	10/04/94	Koga, et al.	424	05/29/90
5,650,320	07/22/97	Caufield, et al.	435	04/20/94

Foreign Documents

<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Country</u>
0 543 195 A2	10/30/92	Thomae, et al.	EPO
WO 96/40865	12/19/96	Hillman	PCT
WO 98/17685	04/30/98	Caufield	PCT

Other Documents

- 1) European Search Report for European Patent Application 98928967.3-2106-US9812003
- 2) EMBL database entry AAP91366
- 3) Gutierrez, et al., "Insertional Mutagenesis and Recovery of Interrupted Genes of *Streptococcus mutans* by Using Transposon Tn917: Preliminary Characterization of Mutants Displaying Acid Sensitivity and Nutritional Requirements", *Journal of Bacteriology*, Vol. 178, No. 14, pp. 4166-4175, July 1997
- 4) Mota-Meira, et al., "Purification and Structure of Mutacin B-Ny266: A New Lantibiotic Produced by *Streptococcus Mutans*", *FEBS Letters*, 410, pp. 275-279, February 1997
- 5) Hillman, et al., "Genetic and Biochemical Analysis of Mutacin 1140, A Lantibiotic from *Streptococcus Mutans*", *Infection and Immunity*, Vol. 66, No.6, pp. 2743-2749, November, 1997

- 6) Smith, et al., "*Probing Structural Heterogeneity in Mutacin 1140, a Novel Lantibiotic*". Fortieth International Experimental Nuclear Magnetic Resonance Conference, Orlando, Florida, February 28-March 5, P034-73 (1999)
- 7) Smith, et al., "*Covalent and Initial Three-Dimensional Structure of the Lantibiotic Mutacin 1140*". Southeast Magnetic Resonance Conference, Tallahassee, Florida P45-102, Fall (1999)
- 8) Mota-Meira, et al., "*MICs of Mutacin B-Ny266, Nisin A, Vancomycin, and Oxacillin against Bacterial Pathogens*", *Antimicrobial Agents and Chemotherapy*, pp. 24-29, January 2000
- 9) Smith, et al., "*Covalent Structure of Mutacin 1140 and a Novel Method for the Rapid Identification of Lantibiotics*", *Eur. J. Biochem.*, 267, pp. 6810-6816, 2000

Respectfully submitted,

Date: February 12 2002

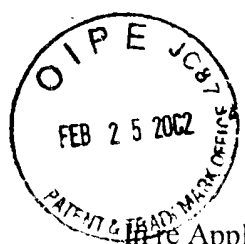
by:



Lisa M.W. Hillman

Reg. No. 43,673

1647



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In re Application of:

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Serial No.: 10/013,036

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For: **Antimicrobial Polypeptide, Nucleic Acid,
And Methods Of Use**

Examiner: TBA

Art Unit: 1647

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement;
 - b) PTO Form 1449 and 11 cited references;
 - c) Return postcard
2. With respect to fees:
 - a) No fee is due at this time.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on February 12, 2002.

Respectfully submitted,

Lisa M. W. Hillman
Registration No. 43,673

Date: February 12, 2002

FORM PTO-1449
(Rev. 2-32)

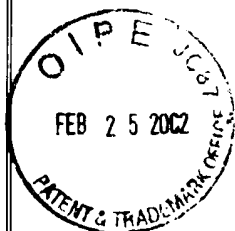
U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

00-1323-H

Serial No.

10/013,036



**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use several sheets if necessary)

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Applicant:

Hillman

Filing Date:

October 30, 2001

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Group:

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U.S. PATENT DOCUMENTS

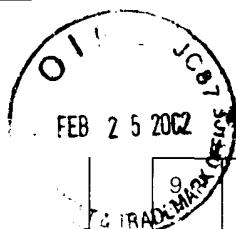
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	5,352,450	10/04/94	Koga, et al.	424	190.1	05/29/90
	2.	5,650,320	07/22/97	Caufield, et al.	435	252.3	04/20/94

FOREIGN PATENT DOCUMENTS

		Document Number							Date	Country	Class	Subclass	Translation	
													Yes	No
	3.	0	5	4	3	1	9	5 A2	10/30/92	EPO				
	4.	9	6	4	0	8	6	5	12/19/96	PCT				
	5.	9	8	1	7	6	8	5	04/30/98	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

6.	European Search Report for European Patent Application 98928967.3-2106-US9812003
7.	EMBL database entry AAP91366
8.	Gutierrez, et al., "Insertional Mutagenesis and Recovery of Interrupted Genes of <i>Streptococcus mutans</i> by Using Transposon Tn917: Preliminary Characterization of Mutants Displaying Acid Sensitivity and Nutritional Requirements", <i>Journal of Bacteriology</i> , Vol. 178, No. 14, pp. 4166-4175, July 1997



9.	Mota-Meira, et al., "Purification and Structure of Mutacin B-Ny266: A New Lantibiotic Produced by <i>Streptococcus Mutans</i> ", <i>FEBS Letters</i> , 410, pp. 275-279, February 1997
10.	Hillman, et al., "Genetic and Biochemical Analysis of Mutacin 1140, A Lantibiotic from <i>Streptococcus Mutans</i> ", <i>Infection and Immunity</i> , Vol. 66, No.6, pp. 2743-2749, November, 1997
11.	Smith, et al., "Probing Structural Heterogeneity in Mutacin 1140, a Novel Lantibiotic". Fortieth International Experimental Nuclear Magnetic Resonance Conference, Orlando, Florida, February 28-March 5, P034-73 (1999)
12.	Smith, et al., "Covalent and Initial Three-Dimensional Structure of the Lantibiotic Mutacin 1140". Southeast Magnetic Resonance Conference, Tallahassee, Florida P45-102, Fall (1999)
13.	Mota-Meira, et al., "MICs of Mutacin B-Ny266, Nisin A, Vancomycin, and Oxacillin against Bacterial Pathogens", <i>Antimicrobial Agents and Chemotherapy</i> , pp. 24-29, January 2000
14.	Smith, et al., "Covalent Structure of Mutacin 1140 and a Novel Method for the Rapid Identification of Lantibiotics", <i>Eur. J. Biochem.</i> , 267, pp. 6810-6816, 2000
EXAMINER	
DATE CONSIDERED	

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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